

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.

MM Docket No. 98-226
RM-9415

Burlington, North Dakota)

To: Chief, Allocations Branch, Mass Media Bureau

COMMENTS OF HIGH PLAINS BROADCASTING, INC.

High Plains Broadcasting, Inc. ("HPBI"), the petitioner in the above-captioned proceeding, by its attorneys and pursuant to Sections 1.419 and 1.420 of the Commission's Rules, respectfully urges the Commission to adopt the proposed change to the FM Table and allot Channel 276C1 to Burlington, North Dakota.

HPBI's Petition and its exhibits in this proceeding, which these comments incorporate by reference in their entirety, 1/ establish that this proposal will serve the public interest. The allotment of Channel 276C1 to Burlington, North Dakota, will provide that community with its first local aural transmission service, which has long been a fundamental and sufficient basis for adding to the FM Table of Allotments.

Burlington, which is a census designated city with a population of 995, see *1990 Census of Population and Housing, North Dakota* at 37 (1993), merits its own local aural transmission service. Located in the northwestern corner of North Dakota,

1/ To the extent clarification of these prior submissions are necessary, the allotment requested for Burlington, North Dakota, is and should be Channel 276C1, as indicated in the Notice of Proposed Rulemaking issued by the Commission, and the 1990 population of Burlington is 995.

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Burlington, which elects its mayor and city council, has its own zip code (58722) and post office. It also is the site of the Burlington-Des Lacs Elementary School, the Burlington Police Department, and the Burlington Fire Department, as well as the Burlington Recreation Sports Complex and the Burlington Community Center. Commercially, Burlington has a number of business enterprises, including Burlington Electric, Burlington Beauty Salon, and Burlington Self-Serv Car Wash. Burlington also hosts another beauty salon, a retail grocer, an auto shop, a bank, a grocery store, and a restaurant. At least two religious denominations maintain buildings and services in Burlington, including Burlington Baptist Church and Peace Lutheran Church. In addition, Burlington has its own social organizations, including the Burlington Jaycees, youth baseball leagues, and a senior citizens' group. Under Commission precedent, the presence of these civic, business, religious and social indicia demonstrates that Burlington is a community deserving of its own aural transmission service. See, e.g., *Report and Order (Hannahs Mill, Milledgeville and Perry, Georgia)*, 6 FCC Rcd 3753 at ¶ 9 (1991).

The above proposal would enable Burlington to obtain its own FM broadcast service and would provide a means of entertainment and information for its residents. If the above proposal is approved, it is HPBI's intention to apply for the above allotment promptly and, once granted, to implement construction as quickly as possible. 2/

2/ To the extent possible, HPBI prefers the site specified in the Petition and, to the extent necessary in these comments, would ask the Commission to take the necessary steps to enable this site to be used as the transmitter site for the proposed station. In any event, as indicated in the attached Declaration, HPBI intends to seek and, if approved, commence construction pursuant to the proposed allotment.

Accordingly, the Commission should adopt the Notice of Proposed Rule Making and allot Channel 276C1 to Burlington, North Dakota, as requested.

Respectfully submitted,

**HIGH PLAINS
BROADCASTING, INC.**

By: 
F. William LeBeau

HOGAN & HARTSON L.L.P.
555 Thirteenth Street, N.W.
Washington, DC 20004-1109
(202) 637-5706

Its Attorneys

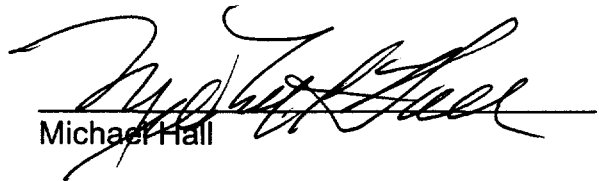
February 1, 1999

DECLARATION OF MICHAEL HALL

I, Michael Hall, declare as follows:

1. I am President of High Plains Broadcasting, Inc. ("HPBI").
2. HPBI intends to apply for a construction permit for the channel as proposed in the relevant petition and endorsed in the attached comments upon adoption of the proposed rule making.
3. If awarded the construction permit, HPBI will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.


Michael Hall

Executed this 24th day of January, 1999.